THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.4577 OF 1998

DATED: 09-03-2007

Between :

1. Palle Chinna Anjaneyulu and 7 others. ... Petitioners

And

Mandal Revenue Officer, Tarlupadu Mandal,
Tarlupadu Post, Prakasam District. .. Respondent

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.4577 OF 1998

ORDER :

This writ petition is filed seeking a declaration that the action of the respondent in cancelling the assignment granted in favour of the petitioners as arbitrary and illegal.

It is alleged that no notices were served on the petitioners at any point of time and no enquiry was conducted before cancelling the assignments. It is also alleged that even the order of cancellation was not served on them, but they were sought to be dispossessed forcibly.

This Court while directing Rule Nisi on 19-2-1998, ordered Status quo obtaining as on that date shall be maintained.

The Mandal Revenue Officer, Tarlupadu filed a counter-affidavit stating that though a show-cause notice dated 29-6-1996 was issued to the petitioners, they did not avail opportunity and therefore the order of cancellation was passed on 7-8-1996 on the basis of material available on record including the inspection report of the Mandal Revenue Inspector that the lands in question were never cultivated eversince the assignment and that the petitioners were not even natives of Gollapalli Village.

It is relevant to note that neither the petitioners nor the respondents had produced a copy of the impugned order of cancellation dated 7-8-1996 before this Court. However, the allegation of the petitioners that the assignment was cancelled without notice has been denied in the counter-affidavit. In the absence of an affidavit in reply nor any other material to contradict the said version, I do not find

any justifiable reason to set aside the impugned order of cancellation on the ground of violation of principles of natural justice.

At any rate, since an alternative remedy of appeal is available against the impugned order, I deem it appropriate to dispose of the Writ Petition granting liberty to the petitioners to file an appeal within 8 weeks from the date of receipt of this order. If any such appeal is preferred within the time specified above, the same shall be entertained and appropriate orders be passed by the appellate authority in accordance with law within a period of 3 months thereafter. Till such time, Status Quo as ordered by this Court pending this writ petition by order dated 19-2-1998 shall continue. No costs.

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G. ROHINI, J.

Dt. 09-03-2007

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